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Attorney's Docket No. 045600/274147

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Carozzi et al. Confirmation No.: 2147  
 Appl. No.: 10/781,979 Group Art Unit: 1638  
 Filed: February 19, 2004 Examiner: Anne R. Kubelik  
 For: AXMI-008, A DELTA ENDOTOXIN GENE AND METHODS FOR ITS USE

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Transmitted herewith is an AMENDMENT in the above-identified patent application.

☒ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The fee has been calculated as shown below:

(COL. 1)		(COL. 2)	(COL. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
TOTAL	* 27	** 25	= 2	X 25=	\$ 50	X 50=	\$
INDEP	* 4	*** 4	= 0	X 100=	\$ 0	X 200=	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+180=	\$0	+360=	\$
				TOTAL ADD FEE \$ 50		OR TOTAL	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

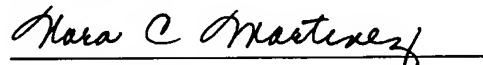
In re: Carozzi et al.  
Appl. No.: 10/781,979  
Filed: February 19, 2004  
Atty. Dock. No. 045600/274147  
Page 2

- ☒ Please charge my Deposit Account No. 16-0605 in the amount of \$50.00.
- ☐ A check in the amount \$      to cover the additional fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiency in payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0605.
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,



W. Murray Spruill  
Registration No. 32,943

<p>Customer No. 00826 <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p><b><u>CERTIFICATE OF EXPRESS MAILING</u></b> "Express Mail" mailing label number EV913517787US Date of Deposit January 3, 2007 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  Nora C. Martinez</p>
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PATENT

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Appl. No.: 10/781,979 Confirmation No.: 2147  
Applicant(s): Carozzi et al.  
Filed: February 19, 2004  
Art Unit: 1638  
Examiner: Anne R. Kubelik  
Title: AXMI-008, A DELTA ENDOTOXIN GENE AND METHODS FOR ITS USE

Docket No.: 045600/274147  
Customer No.: 00826

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
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AMENDMENT UNDER 37 C.F.R. § 1.121

Sir:

In response to the Office Action dated October 3, 2006, Applicant respectfully requests reexamination and reconsideration in view of the following amendments and remarks.

**Amendments to the Claims** are reflected in the listing of claims beginning on page 2 of this paper.

**Remarks** begin on page 7 of this paper.

**Appendices A-J** are attached following page 24 of this paper.

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